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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,440	06/23/2003	Kuei-Hua Chen	CHEN3552/ EM	6271
23364	7590	08/19/2004	EXAMINER	
BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314			LEVI, DAMEON E	
			ART UNIT	PAPER NUMBER
			2841	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/600,440

Applicant(s)

CHEN, KUEI-HUA

Examiner

Dameon E Levi

Art Unit

2841

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,3,6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 1, the term "predetermined distance" is unclear to the Office. The Specification does not set forth a clear indication regarding what limits are specified by "predetermined distance". Regarding claim 3, the term "predetermined flexibility" is unclear to the Office. The Specification does not set forth a clear indication regarding what limits are specified by "predetermined flexibility". Regarding claim 6, the term "predetermined angle" is unclear to the Office. The Specification does not set forth a clear indication regarding what limits are specified by "predetermined angle". Claims 2,4,and 5 are also seen as indefinite owing to their dependency from the abovementioned claims. The rejections that follow herein below are as best understood by the Office.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hileman et al US Patent 5259783.**

**Regarding claim 1, as best understood by the Office, Hileman et al discloses an apparatus comprising:**

- a pedestal comprising a plurality of pegs on an underside, the pegs being inserted into a plurality of holes on the motherboard for securing the support assembly to the motherboard, and any two adjacent pegs being spaced by a predetermined distance, and a top positioning section, (for example, see elements 60,61,62, Figs 2-4C)

and

- a pivotal carrier comprising two side pivots fitted in two side holes of the pedestal for enabling the pivotal carrier to pivot about the holes, a horizontal trough between a top of the pivotal carrier and the positioning section, and at least one positioning member on a bottom of the pivotal carrier facing the positioning section and disposed under the positioning section so that the positioning member is adapted to limit a pivotal angle of the pivotal carrier as the positioning member is urged against the positioning section by turning the pivotal carrier, wherein in response to an insertion of the expansion card into an expansion slot of the motherboard through a dummy adapter, an edge of the expansion card is urged on a bottom distal end of the trough in the pivotal carrier, and the edge of the expansion card is adapted to cling into the trough for fastening by turning the pivotal carrier (for example, see elements 66,59,64,67 Figs 2-4C). Moreover, it

has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138

**Regarding claim 2**, as best understood by the Office, Hileman et al discloses wherein the pedestal is a substantially cubic, hollow frame(for example, see Fig 3).

**Regarding claim 3**, as best understood by the Office, Hileman et al discloses wherein the peg comprises a longitudinal gap so as to enable the peg to have a predetermined flexibility for facilitating the insertion for fastening or removal(for example, see elements 62, Fig 3).

**Regarding claim 4**, as best understood by the Office, Hileman et al discloses further comprising a slanted surface extended from the bottom distal end of the trough toward the trough, the slanted surface being disposed above the positioning section so that the slanted surface is adapted to facilitate the edge of the expansion card to urge downward thereon and the edge of the expansion card is adapted to pass the slanted surface to cling into the trough by turning the pivotal carrier(for example, see element 67, Figs 2-4C). Moreover, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138

**Regarding claim 5**, as best understood by the Office, Hileman et al discloses wherein the positioning member is a projection(for example, see Fig 3).

**Regarding claim 6**, as best understood by the Office, Hileman et al discloses an apparatus further comprising a protuberance adjacent either side pivot of the pivotal carrier, and a protrusion adjacent either side hole of the pedestal so that both the protuberances and the protrusions are adapted to prevent the pivotal carrier from further turning in a fastened state once the pivotal carrier has turned a predetermined angle (for example, see elements 69, Figs 2-4C). Moreover, it has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchison 69 USPQ 138.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dameon E Levi whose telephone number is (571) 272-2105. The examiner can normally be reached on Mon.-Fri. (9:00 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on (571) 272-1957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Dameon E Levi  
Examiner  
Art Unit 2841

DEL



**RAMAND CUNEO**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**